

Docket No.: 041-1790B

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

TAKAYUKI SUGAHARA

Serial No. 09/469,499

Filed: December 22, 1999



Group Art Unit: 2713

Examiner:

For: METHOD OF PROTECTION OF DATA REPRODUCTION, AND REPRODUCTION
APPARATUS PROVIDING PROTECTION OF DATA REPRODUCTION

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In the Official Action of June 26, 2000, the Examiner states that FIVE patentably distinct species are disclosed and claimed in the application, referring to the following species and drawing figures:

- (1). Species I- Fig. 1;
- (2). Species II- Fig. 5;
- (3). Species III- Figs. 7 and 10;
- (4). Species IV- Figs. 11 and 13; and
- (5). Species V - Figs 14-16.

The Examiner further states that, currently, no claim is considered generic.

The Examiner requires election of a single species for further prosecution on the merits, along with an identification of the appropriate Figure(s) of the drawing. The Examiner further requires a listing of all claims readable on the elected species

The requirement for election is respectfully traversed on the grounds that the various species referred to in the Official Action are simply different embodiments of the disclosed invention. Applicant believes that the present application has presented a generic invention and has identified a number of embodiments falling within the generic invention. It is thus submitted that the various species and embodiments of the generic invention described in the specification are properly set forth in the pending claims and should be examined in a single application. Accordingly, it is requested that the requirement for election be reconsidered and that all claims be considered in the application.

Notwithstanding the above reasons for traversing the Election Requirement, applicant recognizes that in order to be fully responsive to the Official Action, he is required to make an election as to which species to have examined in the present application.

Therefore, in order fully to respond to the Official Action, applicant elects, with traverse, to have examination of the species of the invention identified by the Examiner as species I, and shown in Fig. 1. Claims 18, 19, 20, 21 and 22 read on Fig. 1.

Applicant further submits that claims 18-20 are readable on Species III (Fig. 10), Species IV (Fig. 13), and Species V (Figs. 14, 15 and 16) and, moreover, that claims 21 and 22 are readable on the same Species and are also readable on Species II (Fig. 5), Species III (of Fig. 7) and Species IV (of Fig. 11).

It is accordingly submitted that claims 18-20 are "sub-generic" to species I, III, IV and V, while claims 21-22 are generic to all species.

Although applicant has made an election of a single species in response to the Election Requirement, the Examiner is requested to reconsider the Election Requirement and withdraw the same, particularly in light of the generic nature of the elected claims.

Having fully complied with the requirements set forth in the Official Action of June 26, 2000, early examination of the application is requested as is reconsideration of the outstanding requirement for election of species.

The Examiner is encouraged to contact the undersigned by telephone in order to resolve any issues outstanding in this application, specifically with respect to the Official Action and the present response thereto.

Very truly yours,

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